

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

SAMUEL R. HOUSTON, JR.,)
)
Plaintiff,)
)
v.) Case No. CV608-035
)
)
OFFICER KIRKLAND and)
SERGEANT BRIDGES)
)
Defendants.)

REPORT AND RECOMMENDATION

Houston has filed an action pursuant to 42 U.S.C. § 1983. (Doc. 1.) On May 15, 2008, this Court entered an Order granting his motion to proceed *in forma pauperis*. (Doc. 4.) The Order explained that under the Prison Litigation Reform Act of 1995 (PLRA), Pub. L. No. 104-134, 110 Stat. 1321-71, all prisoners, even those proceeding *in forma pauperis*, must pay the requisite \$350 filing fee. 28 U.S.C. § 1915(b)(1). To facilitate payment of the

filings fee, the Court included with its Order two forms — a Prisoner Trust Fund Account Statement and a Consent to Collection of Fees from Trust Account form — with a warning to return them by June 14, 2008, or face a recommendation of dismissal without prejudice. (Doc. 4.) Houston has failed to return the forms.¹

Because Houston failed to return the forms or respond to the Court's Order, his case should be **DISMISSED** without prejudice for his failure to prosecute this action. Local Rule 41.1(b) (permitting dismissal for willful disobedience or neglect of any order of the Court); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); Mingo v. Sugar Cane Growers Co-op, 864 F.2d 101, 102 (11th Cir. 1989); Goforth v. Owens, 766 F.2d 1533 (11th Cir. 1985).

¹ Prior to the entry of the Court's May 15, 2008 Order, Houston did file an "Authorization for Account Withdrawal" form, which is similar to the "Consent to Collection of Fees From Trust Account" form sent to him along with the May 15, 2008 Order. (Doc. 3.) Nevertheless, Houston failed to comply with the Court's Order by submitting the standard forms this Court requires in every § 1983 case filed by a prisoner proceeding IFP. (Doc. 4 at 4) (noting that "[p]laintiff must return both the Prisoner Trust Account Statement and the Consent to Collection of Fees from Trust Account to the Clerk within thirty days of this Order").

SO REPORTED AND RECOMMENDED this 3rd day of
July, 2008.

/s/ G.R. SMITH

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA